

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-01197-CKK**

ALLEN v. DEPARTMENT OF JUSTICE et al
Assigned to: Judge Colleen Kollar-Kotelly
Case: 1:16-cv-00708-CKK
Cause: 05:552 Freedom of Information Act

Date Filed: 06/16/2017
Jury Demand: None
Nature of Suit: 540 Prisoner Petition:
Mandamus & Other (Other)
Jurisdiction: U.S. Government Defendant

Plaintiff**ISAAC KELVIN ALLEN**

represented by **ISAAC KELVIN ALLEN**
49476-018
JESUP FEDERAL CORRECTIONAL
INSTITUTION
Federal Satellite Low
2680 Highway 301 South
Jesup, GA 31599
PRO SE

V.

Defendant**DEPARTMENT OF JUSTICE**

represented by **Marina Utgoff Braswell**
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TERMINATED: 08/24/2018

Defendant**BUREAU OF PRISONS**

represented by **Marina Utgoff Braswell**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Claire M. Whitaker
(See above for address)
TERMINATED: 08/24/2018

Date Filed	#	Docket Text
06/16/2017		Initiating Pleading & IFP Application Received on 6/16/2017. (js) (Entered: 06/20/2017)

06/16/2017	<u>1</u>	COMPLAINT against BUREAU OF PRISONS, DEPARTMENT OF JUSTICE filed by ISAAC KELVIN ALLEN. (Attachments: # <u>1</u> Attachment to Complaint)(js) (Entered: 06/20/2017)
06/16/2017	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by ISAAC KELVIN ALLEN. (js) (Entered: 06/20/2017)
06/16/2017	<u>3</u>	PRISONER TRUST FUND ACCOUNT STATEMENT for period of six months by ISAAC KELVIN ALLEN. (js) (Entered: 06/20/2017)
07/17/2017	<u>4</u>	PRO SE ORDER directing within 30 days of this Order, unless an extension of time is granted, plaintiff to provide a six month trust fund prisoner account statement and failure to comply will result in dismissal of case. Plaintiff shall provide the requested information specific within this order. Signed by Judge Tanya S. Chutkan on 07/13/2017. (zsb) (Entered: 07/21/2017)
08/17/2017	<u>5</u>	NOTICE OF PRISONER TRUST FUND ACCOUNT STATEMENT for period of six months by ISAAC KELVIN ALLEN. (md) (Entered: 08/25/2017)
11/09/2017	<u>6</u>	ORDER GRANTING <u>2</u> Motion for Leave to Proceed in forma pauperis. Signed by Judge Amit P. Mehta on 10/25/2017. (md) (Entered: 11/09/2017)
11/09/2017		Case Reassigned to Judge Colleen Kollar-Kotelly. Unassigned is no longer assigned to the case. (md) (Entered: 11/09/2017)
11/09/2017	<u>7</u>	NOTICE OF RELATED CASE by ISAAC KELVIN ALLEN. Case related to Case No. 16-cv-708. (md) (Entered: 11/09/2017)
12/01/2017	<u>8</u>	SUMMONS (4) Issued as to BUREAU OF PRISONS, DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (jd) (Entered: 12/04/2017)
01/19/2018	<u>9</u>	NOTICE of Appearance by Marina Utgoff Braswell on behalf of BUREAU OF PRISONS, DEPARTMENT OF JUSTICE (Braswell, Marina) (Entered: 01/19/2018)
01/19/2018	<u>10</u>	ANSWER to <u>1</u> Complaint by BUREAU OF PRISONS, DEPARTMENT OF JUSTICE.(Braswell, Marina) (Entered: 01/19/2018)
02/08/2018	<u>11</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. BUREAU OF PRISONS served on 2/2/2018 (td) (Entered: 02/09/2018)
02/12/2018	<u>13</u>	NOTICE of Transfer by ISAAC KELVIN ALLEN (td) (Entered: 02/15/2018)
02/13/2018	<u>12</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Claire M. Whitaker on behalf of BUREAU OF PRISONS, DEPARTMENT OF JUSTICE Substituting for attorney Marina Utgoff Braswell (Whitaker, Claire) (Entered: 02/13/2018)
03/08/2018	<u>14</u>	NOTICE of Change of Address by ISAAC KELVIN ALLEN (td) (Entered: 03/12/2018)
03/13/2018		MINUTE ORDER: Plaintiff brings this action under the Freedom of Information Act ("FOIA"), see 5 U.S.C. § 552, for the release of records allegedly maintained by the Executive Office for United States Attorneys and the Federal Bureau of Prisons. Now that defendant has filed an Answer, and because Local Civil Rule 16.3(b) exempts FOIA actions from its meet-and-confer requirements, the Court hereby ORDERS defendant to file a report by April 20, 2018 on the status of the agency's responses to plaintiff's FOIA requests, and a proposed schedule for dispositive motions. Signed by Judge Colleen Kollar-Kotelly on 3/13/18. (ms) (Entered: 03/13/2018)
03/13/2018		Set/Reset Deadlines: Defendant to file a Status Report by 4/20/2018 on the status of the agency's responses to plaintiff's FOIA requests, and a proposed schedule for dispositive motions. (dot) (Entered: 03/13/2018)
04/06/2018	<u>15</u>	ORDER ESTABLISHING PROCEDURES FOR CASES ASSIGNED TO JUDGE COLLEEN KOLLAR-KOTELLY. Signed by Judge Colleen Kollar-Kotelly on 04/6/2018. (DM) (Entered: 04/06/2018)
04/20/2018	<u>16</u>	STATUS REPORT <i>and briefing schedule</i> by BUREAU OF PRISONS, DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 04/20/2018)

05/24/2018		MINUTE ORDER: On consideration of defendants' <u>16</u> Status Report it is hereby ORDERED that defendants shall file a dispositive motion by June 15, 2018; plaintiff shall file his opposition and cross-motion for summary judgment by July 16, 2018; defendants shall file their reply and opposition to plaintiff's cross-motion by August 15, 2018; plaintiff shall file his reply by September 14, 2018. Signed by Judge Colleen Kollar-Kotelly on 5/24/18. (ms) (Entered: 05/24/2018)
05/24/2018		Set/Reset Deadlines: Defendants' dispositive motion due by 6/15/2018; Plaintiff's opposition and cross-motion for summary judgment due by 7/16/2018; Defendants' reply and opposition to plaintiff's cross-motion due by 8/15/2018; Plaintiff's reply due by 9/14/2018. (kt) (Entered: 05/24/2018)
06/06/2018	<u>17</u>	NOTICE of Appearance by Marina Utgoff Braswell on behalf of BUREAU OF PRISONS, DEPARTMENT OF JUSTICE (Braswell, Marina) (Entered: 06/06/2018)
06/06/2018	<u>18</u>	MOTION for Extension of Time to File <i>Dispositive Motion</i> by BUREAU OF PRISONS, DEPARTMENT OF JUSTICE (Braswell, Marina) (Entered: 06/06/2018)
06/22/2018		MINUTE ORDER: Defendants' motion for an extension of time <u>18</u> is granted for good cause shown. Defendants shall file their dispositive motion by July 18, 2018; plaintiff shall file his opposition and cross-motion for summary judgment by August 16, 2018; defendants shall file their reply to plaintiff's opposition and opposition to plaintiff's cross-motion for summary judgment by September 17, 2018; and plaintiff shall file his reply by October 17, 2018. Signed by Judge Colleen Kollar-Kotelly on 6/22/18. (ms) (Entered: 06/22/2018)
06/22/2018		Set/Reset Deadlines: Plaintiff's Cross Motion due by 8/16/2018. Response to Cross Motion due by 9/17/2018. Reply to Cross Motion due by 10/17/2018. Defendant's Dispositive Motion due by 7/18/2018. Response to Dispositive Motion due by 8/16/2018. Reply to Dispositive Motion due by 9/17/2018. (dot) (Entered: 06/22/2018)
07/18/2018	<u>19</u>	MOTION for Summary Judgment <i>and Motion to Dismiss</i> by BUREAU OF PRISONS, DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Francis Declaration, # <u>2</u> Pineda-Saavedra Declaration, # <u>3</u> Mack declaration, # <u>4</u> Mack Declaration Attachments)(Braswell, Marina). Added MOTION to Dismiss on 7/26/2018 (zrdj). (Entered: 07/18/2018)
07/20/2018	<u>20</u>	Order advising plaintiff to respond to <u>19</u> defendants' MOTION for Summary Judgment and to Dismiss by 8/16/2018. Signed by Judge Colleen Kollar-Kotelly on 7/20/18. (ms) (Entered: 07/20/2018)
07/20/2018		Set/Reset Deadlines: Plaintiff's Response to <u>20</u> due by 8/16/2018. (dot) (Entered: 07/24/2018)
07/26/2018	<u>21</u>	NOTICE of <i>Filing of Table of Authorities In Support Of Defendants' Motion to Dismiss and For Summary Judgment</i> by BUREAU OF PRISONS, DEPARTMENT OF JUSTICE re <u>19</u> MOTION for Summary Judgment <i>and Motion to Dismiss</i> MOTION to Dismiss (Attachments: # <u>1</u> (Table of Authorities))(Braswell, Marina) Modified text on 7/27/2018 (ztd). (Entered: 07/26/2018)
08/03/2018	<u>22</u>	MOTION for Extension of Time to Response by ISAAC KELVIN ALLEN (jf). Added MOTION for Additional copy on 8/9/2018 (zrdj). (Entered: 08/07/2018)
08/03/2018	<u>23</u>	NOTICE by ISAAC KELVIN ALLEN (See docket entry <u>22</u> to view document)(zrdj) . (Entered: 08/09/2018)
08/10/2018		MINUTE ORDER: On consideration of plaintiff's Notice of Non-Receipt, Motion for Additional Copy and Request for Time to File Response, construed by the Court as a motion for an extension of time to file an opposition to Defendant's Motion to Dismiss and for Summary Judgment, ECF No. 19, it is hereby ORDERED that plaintiff's motion <u>22</u> <u>22</u> is GRANTED, and the briefing schedule set forth in the Court's June 22, 2018 Minute Order is VACATED. It is further ORDERED that defendant shall send a copy of its motion, with exhibits, to plaintiff at his current address of record by August 17, 2018; plaintiff shall file his opposition and cross-motion by September 17, 2018; defendant shall file its reply and opposition to plaintiff's cross-motion by October 17, 2018; plaintiff shall file his reply by November 19, 2018. Signed by Judge Colleen Kollar-Kotelly on 8/9/18. (ms) (Entered: 08/10/2018)

08/10/2018		Set/Reset Deadlines: Plaintiff's Cross Motion due by 9/17/2018. Response to Cross Motion due by 10/17/2018. Reply to Cross Motion due by 11/19/2018. Plaintiff's Response to <u>19</u> due by 9/17/2018. Reply due by 10/17/2018. (dot) (Entered: 08/10/2018)
08/17/2018	<u>24</u>	ENTERED IN ERROR.....NOTICE (<i>Notice to the Court of Second Service of Dispositive Motion</i>) by BUREAU OF PRISONS, DEPARTMENT OF JUSTICE re <u>19</u> MOTION for Summary Judgment <i>and Motion to Dismiss</i> MOTION to Dismiss, <u>21</u> Notice (Other), 23 Notice (Other) (Nebeker, William) Modified on 8/24/2018 (tth). (Entered: 08/17/2018)
08/24/2018		NOTICE OF CORRECTED DOCKET ENTRY: re <u>24</u> Notice (Other), was entered in error and counsel was instructed to refile said pleading. (tth) (Entered: 08/24/2018)
08/24/2018	<u>25</u>	NOTICE (<i>Notice to the Court of Second Service of Dispositive Motion</i>) by BUREAU OF PRISONS, DEPARTMENT OF JUSTICE re <u>19</u> MOTION for Summary Judgment <i>and Motion to Dismiss</i> MOTION to Dismiss, <u>21</u> Notice (Other), 23 Notice (Other) (Braswell, Marina) (Entered: 08/24/2018)
08/24/2018	<u>26</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to BUREAU OF PRISONS, DEPARTMENT OF JUSTICE. Attorney Claire M. Whitaker terminated. (Whitaker, Claire) (Entered: 08/24/2018)
09/25/2018	<u>27</u>	Memorandum in opposition to re <u>19</u> MOTION for Summary Judgment <i>and Motion to Dismiss</i> MOTION to Dismiss filed by ISAAC KELVIN ALLEN. (ztd) (Additional attachment(s) added on 9/27/2018: # <u>1</u> Statement of Facts) (ztd). (Entered: 09/27/2018)
10/11/2018	<u>28</u>	MOTION for Extension of Time to File Response/Reply as to <u>19</u> MOTION for Summary Judgment <i>and Motion to Dismiss</i> MOTION to Dismiss by BUREAU OF PRISONS, DEPARTMENT OF JUSTICE (Braswell, Marina) (Entered: 10/11/2018)
10/18/2018		MINUTE ORDER: Defendants' <u>28</u> Motion for Extension of Time is granted, and its Reply is due by October 25, 2018. Signed by Judge Colleen Kollar-Kotelly on 10/18/18. (ms) (Entered: 10/18/2018)
10/18/2018		Set/Reset Deadlines: Reply to <u>19</u> due by 10/25/2018. (dot) (Entered: 10/19/2018)
10/25/2018	<u>29</u>	REPLY to opposition to motion re <u>19</u> MOTION for Summary Judgment <i>and Motion to Dismiss</i> MOTION to Dismiss filed by BUREAU OF PRISONS, DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Mack Declaration, # <u>2</u> Exhibit to Mack Declaration, # <u>3</u> Supplemental Pineda Saavedra Declaration)(Braswell, Marina) (Entered: 10/25/2018)
02/07/2019	<u>32</u>	SURREPLY to re <u>19</u> MOTION for Summary Judgment <i>and Motion to Dismiss</i> MOTION to Dismiss filed by ISAAC KELVIN ALLEN. (Attachments: # <u>1</u> Attachments 1 & 2); ("Leave to file Granted" signed 2/7/19 by Judge Colleen Kollar-Kotelly)(ztd) (Entered: 02/11/2019)
02/08/2019	<u>30</u>	***ENTERED IN ERROR*** ORDER granting in part and denying in part <u>19</u> <u>19</u> defendants' Motion for Summary Judgment; and directing defendants to file renewed motion by March 21, 2019. Signed by Judge Colleen Kollar-Kotelly on 2/8/19. (ms) Modified on 2/8/2019 (ms). (Entered: 02/08/2019)
02/08/2019	<u>31</u>	ORDER granting in part and denying in part <u>19</u> <u>19</u> Defendants' Motion for Summary Judgment; and directing defendants to file a renewed motion for summary judgment by March 21, 2019. Signed by Judge Colleen Kollar-Kotelly on 2/8/19. (ms) (Entered: 02/08/2019)
02/08/2019		Set/Reset Deadlines: Defendants' Renewed Summary Judgment Motion due by 3/21/2019. (dot) (Entered: 02/08/2019)
03/11/2019	<u>33</u>	MOTION for Reconsideration re <u>31</u> Order on Motion for Summary Judgment, Order on Motion to Dismiss by ISAAC KELVIN ALLEN (Attachments: # <u>1</u> Attachments 1-3)(ztd) (Entered: 03/13/2019)
03/21/2019	<u>34</u>	MOTION for Summary Judgment by BUREAU OF PRISONS, DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Second Supplemental Mack Declaration)(Braswell, Marina) (Entered: 03/21/2019)

03/22/2019	<u>35</u>	Order advising plaintiff to respond to the <u>34</u> MOTION for Summary Judgment filed by DEPARTMENT OF JUSTICE by 4/30/2019. Signed by Judge Colleen Kollar-Kotelly on 3/22/19. (ms) (Entered: 03/22/2019)
03/22/2019		Set/Reset Deadlines: Plaintiff's Response to <u>34</u> Motion for Summary Judgment due by 4/30/2019. (dot) (Entered: 03/22/2019)